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BY: _____

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

11 MAY 26 PM 3:52

FILED

Attorneys for Defendants,

BANK OF AMERICA, NATIONAL ASSOCIATION and BANK OF AMERICA CORPORATION

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

RHONIQUE GREEN and OLIVIA
GIDDINGS, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

BANK OF AMERICA, NATIONAL
ASSOCIATION, BANK OF
AMERICA CORPORATION, and
DOES 1 through 50, inclusive,

Defendants.

CASE NO.

CV 11-04571 SJD (AGP)

**DEFENDANTS' NOTICE TO
FEDERAL COURT OF REMOVAL
OF CIVIL ACTION FROM STATE
COURT AND REQUEST FOR
STAY PENDING ACTION BY THE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

[Los Angeles Superior Court Case No.
BC 460216]

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
 2 **CENTRAL DISTRICT OF CALIFORNIA:**

3 PLEASE TAKE NOTICE that Defendants BANK OF AMERICA,
 4 NATIONAL ASSOCIATION ("Bank of America, N.A." or "BANA") and BANK
 5 OF AMERICA CORPORATION ("BAC") (collectively "Defendants"), by and
 6 through their undersigned counsel, hereby remove the above-entitled action
 7 currently pending in the Superior Court of the State of California in and for the
 8 County of Los Angeles (the "State Court") to the United States District Court for the
 9 Central District of California on the grounds that this Court has original jurisdiction
 10 over this civil action pursuant to 28 U.S.C. §§ 1332(d) & 1441, the Class Action
 11 Fairness Act of 2005 ("CAFA"), and all other applicable bases for removal. In
 12 support of their Notice of Removal, Defendants aver as follows:

13 **PLEADINGS AND PROCEEDINGS**

14 1. Plaintiffs Rhonique Green and Olivia Giddings ("Plaintiffs") filed a
 15 Complaint against Defendants (the "Complaint") in the State Court on April 26,
 16 2011, in a case styled as *Rhonique Green and Olivia Giddings v. Bank of America,*
 17 *National Association, et al.*, Case No. BC 460216 (the "State Court Action").

18 2. On April 29, 2011, Defendants were served with the following
 19 documents from the State Court Action, a true and correct copy of each which is
 20 attached hereto as the Exhibits identified below:

21 Exhibit A: Class Action Complaint

22 Exhibit B: Summons

23 Exhibit C: ADR Information Package, Civil Case Cover Sheet, Addendum,
 24 and Statement of Location, Notice of Case Assignment

25 3. The aforementioned documents and exhibits constitute all of the
 26 process, pleadings, and orders that have been served on Defendants in the State
 27 Court Action.

4. Defendants are informed and believe that they are the only defendants whom have been properly served with process in the State Court Action. Defendant Does 1-50 have yet to be identified, and thus are to be disregarded for the purposes of this removal. *See* 28 U.S.C. § 1441(a). As such, Defendants are the only Defendants needed to join and consent to this removal.

5. This action may be the subject of or otherwise related to an action that has previously been transferred by the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to 28 U.S.C. § 1407. Specifically, a multidistrict litigation styled as *In re Bank of America Employment Practices Litigation* is currently pending in United States District Court, District of Kansas, Case No. 10-md-2138-JWL-KGS. The Consolidated Complaint in that action, filed on June 4, 2010, contains a cause of action pursuant to the Labor Code Private Attorneys General Act of 2004 (“PAGA”), seeking the recovery of civil penalties from Defendants for alleged violations of the California Labor Code. Similarly here, the Complaint alleges a single cause of action under PAGA for violation of California Labor Code section 1198 and relevant provisions of California Industrial Welfare Commission Wage Order 7-2001. Upon removal of this action to this Court, Defendants will promptly notify the JPML of the pendency of this action so that it may be transferred to the MDL proceedings in the District of Kansas.

TIMELINESS OF REMOVAL

6. This action has not previously been removed to federal court.

7. On April 29, 2011, Defendants BANA and BAC, through their registered agent for service of process, were personally served with a Summons and the Complaint from the State Court Action. Thus, this Notice of Removal is filed with this Court within 30 days of service of Plaintiffs’ Complaint and is timely under 28 U.S.C. § 1446(b).

REMOVAL JURISDICTION – CLASS ACTION FAIRNESS ACT OF 2005

8. This court has jurisdiction under 28 U.S.C. §§ 1332(d) and 1453, 28.

1 U.S.C. § 1331, 28 U.S.C. § 1441(b), and all other applicable bases for removal.

2 9. Under CAFA, this Court has jurisdiction over class actions where any
3 member of the class is a citizen of a State different from any defendant, and where
4 the aggregate amount in controversy exceeds the sum of \$5,000,000, exclusive of
5 interest and costs, and the number of members of all proposed plaintiff classes in the
6 aggregate is at least 100 class members. *See* 28 U.S.C. § 1332(d)(2)-(6). CAFA
7 authorizes removal of such actions under 28 U.S.C. § 1446.

8 NUMBER OF PUTATIVE CLASS MEMBERS

9 10. Plaintiffs allege that Plaintiff Green “was employed as a Teller and
10 Senior Teller” at a Bank of America branch in the State of California. Complaint ¶
11 8. Plaintiffs further allege that Plaintiff Giddings “was employed as a Senior Teller”
12 at a Bank of America branch in the State of California. Complaint ¶ 9. Plaintiffs
13 purport to bring the single cause of action as a class action. *See generally*
14 Complaint ¶¶ 1, 12-18. Plaintiffs have defined the alleged putative class as “All
15 persons who, during the applicable statute of limitations, were employed by Bank of
16 America in the State of California in a teller position (including without limitation
17 Teller or Senior Teller) and were not provided with a stool or seat.” Complaint ¶
18 12.

19 11. According to the Complaint, the putative class is “so numerous that the
20 individual joinder of all members is impractical under the circumstances of this
21 case.” Complaint ¶ 14. Plaintiff further alleges that the class is estimated to consist
22 of “well over 1,000 individuals.” *Id.*

23 12. During the one-year period prior to the filing of the Complaint,
24 Defendants employed approximately 10,000 persons who worked in positions in
25 California that Defendants believe constitute “teller positions,” as that phrase is used
26 in the Complaint to define the putative class. This includes persons holding the job
27 title of Teller and Senior Teller.

28 DIVERSE CITIZENSHIP

1 13. **Plaintiffs' Citizenship.** Plaintiffs Green and Giddings are, and at all
2 times relevant to the Complaint have been, residents and citizens of the State of
3 California. *See* Complaint ¶ 2-3. Defendants are informed and believe and thereon
4 allege that Plaintiffs Green and Giddings have the intent to remain in California.

5 14. **Bank of America Corporation's Citizenship.** Defendant BAC is a
6 corporation formed and existing under the laws of the State of Delaware, with its
7 headquarters and principal place of business located at all relevant times in
8 Charlotte, North Carolina. At its North Carolina headquarters, BAC's officers
9 direct, control, and coordinate its activities, and the majority of its executive and
10 administrative functions are performed there. Thus, BAC at all relevant times was
11 and is a citizen of the States of Delaware and North Carolina for the purpose of
12 determining jurisdiction. *See Hertz Corp. v. Friend*, ___ U.S. ___, 175 L.Ed.2d
13 1029, 1041-42 (2010).

14 15. **Bank of America, N.A.'s Citizenship.** Defendants need only
15 establish that this putative class action lawsuit involves one defendant that is a
16 citizen of a different state than one member of the putative class of plaintiffs. *See*
17 28 U.S.C. § 1453(b). Therefore, the diversity of citizenship between Plaintiffs
18 (California) and Defendant BAC (Delaware and North Carolina) by itself,
19 irrespective of the citizenship of any other party, establishes sufficient basis for
20 removal of this action under CAFA. Nevertheless, Defendant BANA is also of
21 diverse citizenship from Plaintiffs and thereby separately and independently
22 establishes sufficient diversity of citizenship for purposes of removal of this action
23 under CAFA.

24 16. Pursuant to 28 U.S.C. § 1332(c)(1), Defendant BANA is a citizen of
25 the State of North Carolina (the location of its main office). Defendant BANA is a
26 national banking association chartered under the laws of the United States. 28
27 U.S.C. § 1348 ("Section 1348") governs the citizenship of national banking
28 associations for diversity purposes. Section 1348 provides, in relevant part, that

1 “[a]ll national banking associations shall, for the purposes of all other actions by or
2 against them, be deemed citizens of the states in which they are respectively
3 located.” 28 U.S.C. § 1348. For the purpose of diversity jurisdiction, a national
4 banking association is “located” only in the state designated in its articles of
5 association as its main office, even though it has branch offices in other states. *See*
6 *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303, 317-18 (2006). *See also American*
7 *Surety Company v. Bank of California*, 133 F.2d 160 (9th Cir. 1943); *United States*
8 *National Bank v. Hill*, 434 F.2d 1019 (9th Cir. 1970). BANA is headquartered in,
9 and therefore “located” in, North Carolina. Its articles of association designate
10 Charlotte, North Carolina, as the location of its main office. Its principal executive
11 offices, including the office of its President, are located in Charlotte. Furthermore,
12 BANA’s certificate from the Office of the Comptroller of the Currency (“OCC”)
13 states that it is located in Charlotte, North Carolina, and the OCC has issued an
14 Interpretive Letter regarding BANA’s North Carolina citizenship for purposes of
15 diversity jurisdiction. In short, under the standard set forth in *Wachovia* and
16 *American Surety*, BANA’s principal place of business is, in fact, the state of North
17 Carolina. Further, given that BANA’s headquarters are in Charlotte, North
18 Carolina, that its officers direct, control and coordinate its activities from there, and
19 that the majority of its executive and administrative functions are performed there,
20 its state of citizenship is North Carolina, and not California, even under the standard
21 set forth in *Hertz*, 130 S.Ct. 1183-84.

AMOUNT IN CONTROVERSY

17. The claims of the individual members in a class action are aggregated to determine if the amount in controversy exceeds the sum or value of \$5 million. See 28 U.S.C. § 1332(d)(6). In addition, Congress intended for federal jurisdiction to be appropriate under CAFA “if the value of the matter in litigation exceeds \$5,000,000 either from the viewpoint of the plaintiff or the viewpoint of the defendant, and regardless of the type of relief sought (e.g., damages, injunctive relief, or declaratory relief).” Senate Judiciary Committee Report, S. Rep. 109-14, at 42. Moreover, the Senate Judiciary Committee’s Report on the final version of CAFA makes clear that any doubts regarding the maintenance of interstate class actions in state or federal court should be resolved in favor of federal jurisdiction. S. Rep. 109-14, at 42-43 (“[I]f a federal court is uncertain about whether ‘all matters in controversy’ in a purported class action ‘do not in the aggregate exceed the sum or value of \$5,000,000, the court should err in favor of exercising jurisdiction over the case . . . Overall, new section 1332(d) is intended to expand substantially federal court jurisdiction over class actions. Its provisions should be read broadly, with a strong preference that interstate class actions should be heard in a federal court if properly removed by any defendant.”).

18. Here, Plaintiffs do not allege a specific amount in controversy, but instead seek “penalties against Bank of America as provided under Lab. Code section 2699(f), plus reasonably attorneys’ fees....” Complaint ¶ 23. Thus, the Court must consider as evidence of the amount in controversy that which is “facially apparent” on the Complaint, as well as facts properly pleaded in the removal petition, particularly where, as here, the amount in controversy is not plainly evident from the pleadings. *Rippee v. Boston Market Corp.*, 408 F.Supp.2d 982, 984 (S.D. Cal. 2005).

19. Plaintiffs’ bring their single Cause of Action pursuant to the California Labor Code Private Attorneys General Act (“PAGA”), Labor Code sections 2698, *et*

1 *seq.* See Complaint ¶¶ 20-23. Pursuant to this cause of action, Plaintiffs seek to
 2 recover civil penalties on behalf of themselves and the other putative class members
 3 for the violations of California Lab. Code § 1198 by Defendants. Under Lab Code §
 4 2699(f), the potential penalties are “one hundred dollars (\$100) for each aggrieved
 5 employee per pay period for the initial violation and two hundred dollars (\$200) for
 6 each aggrieved employee per pay period for each subsequent violation.”

7 20. From April 26, 2010, to February 4, 2011 (a period well within the
 8 statutory limitation period for a claim of penalties), a total of 10,213 people worked
 9 in California in positions Defendants’ believe constitute “teller positions,” as that
 10 phrase is used in the Complaint in defining the putative class. These 10,213 people
 11 worked an average of approximately 15¹ pay periods each during the relevant time
 12 period. Accordingly, the amount of potential civil penalties in controversy for just
 13 one alleged violation per employee per pay period is not less than the following:

14 \$100 [amount of penalty per pay period for the initial
 15 violation] x 10,213 [employees] x 15 [pay periods with a
 16 violation]) = \$15,319,500

17 ATTORNEYS’ FEES

18 21. Although the penalties described above far exceed CAFA’s
 19 jurisdictional minimum, Plaintiffs’ Complaint also seeks an award of attorneys’
 20 fees. See Complaint ¶ 23.

21 22. It is settled in the Ninth Circuit that where attorneys’ fees are
 22 authorized by statute, they are appropriately part of the calculation of the “amount in
 23 controversy” for purposes of removal. *Kroske v. U.S. Bank Corp.*, 432 F.3d 976,
 24 980 (9th Cir. Wash. 2005); *Johnson v. America Online, Inc.*, 280 F.Supp.2d 1018

25
 26 ¹ The 10,213 persons who worked in “teller positions” in California collectively worked
 27 160,688 pay periods. Therefore, the average number of pay periods worked is $160,688/10,213 =$
 28 15.733672769. Defendants have rounded this number down to a whole number to arrive at 15.

(N.D. Cal. 2003). The Ninth Circuit uses a benchmark rate of 25% of the potential damage award as an estimate for attorneys' fees. Applying this benchmark to the conservative estimates above relating to the amount in controversy on Plaintiffs' First Cause of Action, the total amount of statutory attorneys' fees in controversy is no less than \$3,892,875 [25% x \$15,319,500 [amount in controversy for first cause of action]].

TOTAL AMOUNT IN CONTROVERSY

23. Based on all of the foregoing calculations, the total amount in controversy in this action for CAFA removal jurisdiction purposes is not less than \$19,149,375.

24. In sum, because there exists diversity of citizenship between Plaintiffs and Defendants and Plaintiffs seek aggregate penalties and attorneys' fees that far exceed the \$5 million jurisdictional threshold, Defendants may properly remove this action pursuant to 28 U.S.C. §§ 1332 and 1441(b).

VENUE

25. Venue lies in this Court because Plaintiffs' action is pending in this district and division. *See* 28 U.S.C. § 1441(a).

26. Nothing in this Notice of Removal is intended or should be construed as any type of express or implied admission by the Defendants of any fact, of the validity or merits of any of Plaintiffs' claims, causes of action, and allegations, or of any liability for the same, all of which is/are hereby expressly denied, or as any type of express or implied waiver or limitation of any of Defendants' rights, claims, remedies, and defenses in connection with this action, all of which are hereby fully and expressly reserved. Further, Defendants expressly reserve their right to amend or supplement this Notice of Removal and the evidence in support thereof to the fullest extent permitted by applicable law.

WHEREFORE, Defendants request that the above-captioned action now pending in the State Court be removed to this United States District Court.

1 Defendants further request that this Court issue an immediate stay of this action,
2 pending action by the Judicial Panel on Multidistrict Litigation to transfer this action
3 to the District of Kansas.

4
5 DATED: May 26, 2011

McGUIRE WOODS LLP

6
7
8 By: 

Matthew C. Kane, Esq.
Michael D. Mandel, Esq.
Sylvia Kim, Esq.

9
10 Attorneys for Defendants
11 Bank of America, Inc., and
12 Bank of America, National Association
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EXHIBIT A

4/26/2011

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1 of 5



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16

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 IN AND FOR THE COUNTY OF LOS ANGELES

19

20 RHONIQUE GREEN and OLIVIA
21 GIDDINGS, individually and on behalf of all
others similarly situated,

22 Plaintiffs,

23 vs.

24 BANK OF AMERICA, NATIONAL
ASSOCIATION, BANK OF AMERICA
25 CORPORATION, and DOES 1 through 50,
inclusive,

26 Defendants.

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28

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 26 2011

John A. Clark, Executive Officer/Clerk
BY Mary Flores Deputy

BY FAX

BC 460 216

CASE NO.

CLASS ACTION COMPLAINT FOR
VIOLATION OF THE LABOR CODE
PRIVATE ATTORNEYS GENERAL ACT
OF 2004 (CAL. LAB. CODE SECTION
2698 ET SEQ.)

4/26/2011

Ace Attorney Service (213) 623-7527

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1 Plaintiffs Rhonique Green and Olivia Giddings, individually and on behalf of all others
2 similarly situated, allege as follows:

3 INTRODUCTION

4 1. This is a class action and a representative action for recovery of penalties under the
5 California Labor Code Private Attorneys General Act of 2004 ("PAGA"), Cal. Lab. Code section
6 2698 et seq. PAGA permits "aggrieved employees" to bring a lawsuit on behalf of themselves and
7 other current and former employees to address an employer's violations of the California Labor
8 Code. In this case, defendants violated California Labor Code section 1198 and Wage Order 7-
9 2001, section 14 by failing to provide suitable seats to plaintiffs and other current and former
10 employees. Plaintiffs seek penalties on behalf of themselves and other current and former
11 employees of defendants as provided herein.

12 2. Plaintiff Rhonique Green is an individual residing in the State of California.

13 3. Plaintiff Olivia Giddings is an individual residing in the State of California.

14 4. Defendant Bank of America, National Association, is a National Association doing
15 business in Los Angeles, California.

16 5. Defendant Bank of America Corporation is a North Carolina corporation doing
17 business in Los Angeles, California. For ease of reference, plaintiffs will refer to defendants
18 collectively as "Bank of America."

19 6. Plaintiffs do not know the names of those defendants sued as DOES 1 through 50
20 but will amend this complaint when they learn those names. Plaintiffs allege on information and
21 belief that each of the defendants is the agent, representative, successor, affiliate, officer, director,
22 employee, co-conspirator, or alter ego of each of the other defendants and is in some manner
23 responsible for the wrongdoing alleged herein.

24 7. Venue is proper in this judicial district because at least some of the alleged
25 wrongdoing occurred in this judicial district.

26 8. Plaintiff Green was employed as a Teller and Senior Teller at a Bank of America
27 branch in San Bernardino County until approximately September 2010.

28

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Ace Attorney Service (213) 623-7527

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9. Plaintiff Giddings was employed as a Senior Teller at a Bank of America branch in Los Angeles County until approximately March 2011.

10. The bank teller counters in Bank of America branches throughout California are similar in their layout and design. There is ample space behind each counter to allow for the use of a stool or seat by Bank of America's tellers during the performance of their work duties. Defendants' bank tellers spend a very substantial portion of their working time behind these counters. The work of a bank teller can reasonably be accomplished while using a stool or seat.

11. Wage Order 7-2001, which covers businesses in the "mercantile industry" such as Bank of America, states: "All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats." *Id.*, section 14(a). Bank of America failed to provide its tellers, including plaintiffs, with seats, despite the fact that the nature of teller work reasonably permits the use of seats.

CLASS ALLEGATIONS

12. Class Definition: Plaintiffs bring this lawsuit on their own behalf and as a class action under Cal. Code Civ. Proc. section 382 and Fed. R. Civ. P. 23. The class ("Class") that plaintiffs seek to represent is defined as follows: "All persons who, during the applicable statute of limitations, were employed by Bank of America in the State of California in a teller position (including without limitation Teller or Senior Teller) and were not provided with a stool or seat."

13. Ascertainable Class: The Class is ascertainable in that its members may be identified and located using information contained in Bank of America's personnel records.

14. Numerosity: The Class is so numerous that the individual joinder of all members is impractical under the circumstances of this case. Plaintiffs are informed and believe that the Class consists of well over 1,000 individuals.

15. Common Questions of Fact or Law: This lawsuit is suitable for class treatment because common questions of fact and law predominate over individual issues. Common questions include, but are not limited to, the following: (1) whether Bank of America is subject to the requirements of Wage Order 7-2001, section 14; (2) whether the job of a teller at Bank of America reasonably permits the use of a stool or seat; (3) what type(s) of stool or seat would be

4/26/2011

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1 suitable; (4) whether Bank of America ever allowed any teller to use a stool or seat in the course
2 of his or her duties; and (5) the amount of penalties that should be awarded under PAGA.

3 16. Typicality: Plaintiffs' claims are typical of the claims of Class members. Plaintiffs
4 and the Class members were injured by Bank of America's common practice of failing to provide
5 seats.

6 17. Adequacy: Plaintiffs will fairly and adequately protect the interests of the Class.
7 Plaintiffs have no interests that are adverse to the interests of the Class.

8 18. Superiority: A class action is superior to other available means for the fair and
9 efficient adjudication of this controversy, since individual joinder of all members of the Class is
10 impractical. Class action treatment will permit a large number of similarly situated persons to
11 prosecute their common claims in a single forum simultaneously, efficiently, and without
12 unnecessary duplication of effort and expense. Furthermore, the expenses and burden of
13 individualized litigation would make it difficult or impossible for individual members of the Class
14 to redress the wrongs done to them, while an important public interest will be served by
15 addressing the matter as a class action. Individualized litigation would also present the potential
16 for inconsistent or contradictory judgments.

17
18 FIRST CAUSE OF ACTION
19 (Violation of PAGA)

20 19. Plaintiffs incorporate by reference the allegations set forth above.

21 20. California Labor Code section 1198 makes it illegal to employ an employee under
22 conditions of labor that are prohibited by the applicable wage order. By failing to provide
23 plaintiffs and the other Class members with seats, in violation of Wage Order 7-2001, section 14,
24 Bank of America violated Lab. Code section 1198.

25 21. PAGA permits an "aggrieved employee" to recover penalties on behalf of himself
26 or herself and other current or former employees as a result of the employer's violations of certain
27 sections of the California Labor Code. Plaintiffs are aggrieved employees, in that plaintiffs are
28 employed by Bank of America and were not provided with a seat, in violation of Lab. Code

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Ace Attorney Service (213) 523-7527

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1 section 1198 and Wage Order 7-2001, section 14. A violation of Lab. Code section 1198 gives
2 rise to a private right of action under PAGA.

3 22. Plaintiffs have complied with the PAGA notice provision set forth in Cal. Lab.
4 Code section 2699.3(a)(1). The Labor and Workforce Development Agency has not provided
5 plaintiffs with notice that it intends to investigate this violation, although 33 calendar days have
6 elapsed since the postmark date of plaintiffs' notices. Accordingly, plaintiffs are entitled to
7 commence this action.

8 23. Plaintiffs request penalties against Bank of America as provided under Lab. Code
9 section 2699(f), plus reasonable attorneys' fees and costs, in amounts to be proved at trial.

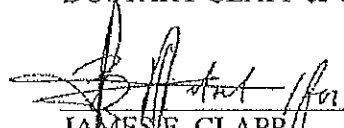
10 PRAYER

11 WHEREFORE, plaintiffs request entry of judgment, on behalf of themselves and the other
12 Class members, against each defendant, jointly and severally, as follows:

- 13 1. For penalties according to proof;
14 2. For reasonable attorneys' fees and costs of suit; and
15 3. For such other relief that the Court deems proper.

16
17 Dated: April 26, 2011

DOSTART CLAPP & COVENEY, LLP

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19 
20 JAMES F. CLAPP
Attorneys for Plaintiffs

21 434350.1
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EXHIBIT B

4/26/2011

Ace Attorney Service (213) 623-7527

1 of SUM-100

SUMMONS

(CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

BANK OF AMERICA, NATIONAL ASSOCIATION, BANK OF AMERICA CORPORATION, and DOES 1 through 50, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

RHONIQUE GREEN and OLIVIA GIDDINGS, individually and on behalf of all others similarly situated,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 26 2011

John A. Clarke, Executive Officer/Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Los Angeles County Superior Court
Stanley Mosk Courthouse
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER: **BC 460216**
(Número del caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

James F. Clapp (145814)

DOSTART CLAPP & COVENEY, LLP

4370 La Jolla Village Drive, Ste. 970, San Diego, CA 92122 Tel: 858-623-4200

DATE:

(Fecha)

JOHN A. CLARKE, CLERK by
(Secretario)

Mary Flores

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.2. ☐ as the person sued under the fictitious name of (specify):3. ☒ on behalf of (specify):

under;

☒ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)4. ☒ by personal delivery on (date):

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4/26/2011

Ace Attorney Service (213) 623-7527

1 of SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

BANK OF AMERICA, NATIONAL ASSOCIATION, BANK OF AMERICA CORPORATION, and DOES 1 through 50, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

RHONIQUE GREEN and OLIVIA GIDDINGS, individually and on behalf of all others similarly situated,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFIRMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 26 2011

John A. Clarke, Executive Officer/Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. (AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.)

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

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The name and address of the court is:

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Los Angeles County Superior Court

Stanley Mosk Courthouse

111 N. Hill Street

Los Angeles, CA 90012

CASE NUMBER: **BC 460216**
(Número del caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

James F. Clapp (145814)

DOSTART CLAPP & COVENEY, LLP

4370 La Jolla Village Drive, Ste. 970, San Diego, CA 92122 Tel: 858-623-4200

DATE:

(Fecha)

JOHN A. CLARKE, CLERK by Mary Flores Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.2. ☐ as the person sued under the fictitious name of (specify):3. ☒ on behalf of (specify):

under:

☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☒ CCP 416.40 (association or partnership)☐ other (specify):☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)4. ☒ by personal delivery on (date):

Page 1 of 1

EXHIBIT C

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE**

[CRC 3.221 Information about Alternative Dispute Resolution]

For additional ADR information and forms visit the Court ADR web application at www.lasuperiorcourt.org (click on ADR).

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (Civil only).

What Is ADR:

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

Mediation:

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

Arbitration:

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

Cases for Which Arbitration May Be Appropriate

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

Cases for Which Arbitration May Not Be Appropriate

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

Neutral Evaluation:

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

Cases for Which Neutral Evaluation May Be Appropriate

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

Cases for Which Neutral Evaluation May Not Be Appropriate

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

Settlement Conferences:

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

LOS ANGELES SUPERIOR COURT ADR PROGRAMS**CIVIL:**

- Civil Action Mediation (Governed by Code of Civil Procedure (CCP) sections 1775-1775.15, California Rules of Court, rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, chapter 12.)
- Retired Judge Settlement Conference
- Neutral Evaluation (Governed by Los Angeles Superior Court Rules, chapter 12.)
- Judicial Arbitration (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- Eminent Domain Mediation (Governed by Code of Civil Procedure section 1250.420.)
- Civil Harassment Mediation
- Small Claims Mediation

FAMILY LAW (non-custody):

- Mediation
- Forensic Certified Public Accountant (CPA) Settlement Conference
- Settlement Conference
- Nonbinding Arbitration (Governed by Family Code section 2554.)

PROBATE:

- Mediation
- Settlement Conference

NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Select Panel or may hire someone privately, at their discretion. If the parties utilize the Random Select Mediation or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

COURT ADR PANELS

- Party Select Panel** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all Random Select Panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral** The market rate for private neutrals can range from \$300-\$1,000 per hour.

ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

COURT HOUSE	ADDRESS	ROOM	CITY	PHONE	FAX
Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(661)974-7275	(661)974-7060
Chatsworth	9425 Penfield Ave.	1200	Chatsworth, CA 91311	(818)576-8566	(818)576-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)603-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91206	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	316	Long Beach, CA 90802	(562)491-6272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)807-7243	(562)462-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)356-5885	(626)866-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)620-3183	(909)629-6283
San Pedro	505 S. Centre	209	San Pedro, CA 90731	(310)519-6151	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)533-5115
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7326
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)902-2440

Partially Funded by the Los Angeles County Dispute Resolution Program

A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office

4/26/2011

Ace Attorney Service (213) 623-7527

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CM-010



COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James F. Clapp (145814), Zach P. Dostart (255071) DOSTART CLAPP & COVENEY, LLP 4370 La Jolla Village Drive, Suite 970 San Diego, CA 92122 TELEPHONE NO.: 858-623-4200 FAX NO.: 858-623-4299 ATTORNEY FOR (Name): Plaintiffs GREEN and GIDDINGS		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES APR 26 2011 John A. Clarke, Executive Officer/Clerk BY: <u>Mary Flores</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse, Central District		CASE NUMBER: JUDGE: BC 460216 DEPT:	
CASE NAME: Green v. Bank of America, et al.		CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE: BC 460216 DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PIP/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PIP/D/W/D (23)
Non-PIP/D/W/D (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PIP/D/W/D tort (35)
Employment
<input type="checkbox"/> Wrongful termination (38)
<input checked="" type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): (1) Violation of the Labor Code Private Attorneys General Act of 2004
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 26, 2011
 Zach P. Dostart

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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4/26/2011

Ace Attorney Service (213) 623-7527

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CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage

Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

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COPY

SHORT TITLE: Green, et al. v. Bank of America, et al.	CASE NUMBER: BC 460 216
CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)	<div style="text-align: center;"> CONFIRMED COPY ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES </div> <div style="text-align: center; margin-top: 10px;"> APR 26 2011 </div> <div style="margin-top: 10px;"> John A. Clarke, Executive Officer/Clerk BY <u>Mary Flores</u> Deputy </div>
This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.	

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5 ☐ HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides. | 6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.

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SHORT TITLE: Green, et al. v. Bank of America, et al.		CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 8. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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SHORT TITLE: Green, et al. v. Bank of America, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
	Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation
Construction Defect (10)		<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)		<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)		<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)		<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)		<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

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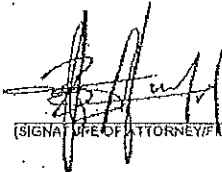
SHORT TITLE: Green, et al. v. Bank of America, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 550 South Hill Street	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90013	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court [Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)].

Dated: April 26, 2011


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 (Rev. 01/07).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
Case Number _____

BC 460816

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3C). There is additional information on the reverse side of this for

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Carolyn B. Kuhl	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Debra Katz Weintraub	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Deirdre Hill	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Richard E. Rico	17	309	Hon. Abraham Khan	51	511
Hon. Rex Heeseman	19	311	Hon. Susan Bryant-Deason	52	510
Hon. Kevin C. Brazile	20	310	Hon. John P. Shook	53	513
Hon. Zaven V. Sinanian	23	315	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Michael Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Daa	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
Hon. John A. Kronstadt	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Kenneth R. Freeman	64	601
Hon. Charles F. Palmer	33	409	Hon. Mark Mooney	68	617
Hon. Amy D. Hogue	34	408	Hon. Ramona See	69	621
Hon. Daniel Buckley	35	411	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Emilie H. Elias*	324	CCW
Hon. Michelle R. Rosenblatt	40	414	other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Emilie H. Elias in Department 324 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 900). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the Outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk
By _____, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1800 Century Park East, 8th Floor, Los Angeles, California 90067. On May 26, 2011, I served the following document(s) described as:

**DEFENDANTS' NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL
ACTION FROM STATE COURT AND REQUEST FOR STAY PENDING
ACTION BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

James F. Clapp, Esq. Attorneys for Plaintiffs
Zach P. Dostart, Esq.
Dostart Clapp & Coveney, LLP
9370 La Jolla Village Drive, Suite 970
San Diego, CA 92122
Telephone: 858-623-4200
Facsimile: 858-623-4299

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices. (C.C.P. § 1013 (a) and 1013a(3))

☐ **BY FACSIMILE:** At approximately 9:15 a.m., I caused said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (310) 315-8210. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder. (C.C.P. § 1013(d)(e))

☐ **BY HAND DELIVERY:** I delivered such envelope(s) by hand to the office of the addressee(s). (C.C.P. § 1011(a)(b))

I declare that I am employed by a Member of the Bar of this Court and that the foregoing is true and correct. Executed on May 26, 2011, at Los Angeles, California.

Sheron P. McDonald
Sheron P. McDonald